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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

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MIKE GLEASON, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
KRISTIN K. MAYES
GARY PIERCE

AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
GRINGO PASS, INC. FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO
PROVIDE CUSTOMER-OWNED PAY
TELEPHONE SERVICES.

DOCKET NO. T-04191A-03-0482

PROCEDURAL ORDER

BY THE COMMISSION:

On July 14, 2003, Gringo Pass, Inc. ("GPI") filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("CC&N") to provide customer-owned pay telephone ("COPT") service in the State of Arizona.

On July 17, 2003, the Commission's Utilities Division Staff ("Staff") filed a Letter of Insufficiency and First Set of Data Requests.

On December 20, 2005, a Procedural Order was issued in this matter indicating that no filing had been made since Staff's data request and requiring Staff, no later than January 20, 2006, to make a filing updating the Commission on the status of the matter and indicating whether the matter should be administratively closed.

On January 20, 2006, Staff filed a Status Report stating that, after Staff contacted GPI by telephone and faxed GPI the First Set of Data Requests on December 23, 2005, GPI filed its response to Staff's First Set of Data Requests on January 5, 2006. Staff recommended that the docket remain open pending Staff's review of GPI's response and until all issues associated with this matter are resolved. GPI's response was apparently not filed with Docket Control.

On March 10, 2006, Staff filed a Memorandum recommending that GPI's CC&N application be approved.

On March 20, 2006, a Recommended Order was filed by the Hearing Division, for consideration at the April 2006 Open Meeting.

1 On March 30, 2006, a letter from GPI's President, A.E. Gay, was filed. In the letter, Mr. Gay
2 requested a 90-day postponement of GPI's application as the principal was unable to attend the
3 meeting due to an injury.

4 On March 31, 2006, a fax from "Barry Thompson for A.E. Gay" was filed, indicating Mr.
5 Thompson's understanding that GPI's matter would be put on "hold" until Mr. Gay requested for the
6 docket to be reactivated.

7 On April 12, 2006, A.E. Gay filed a letter stating that Mr. Gay and his wife had intended for
8 ABC Gringo, Inc. to obtain the CC&N.

9 On November 7, 2007, by Procedural Order, Staff and GPI were each required to file, by
10 November 19, 2007, a document updating the status of GPI's application for a CC&N to provide
11 COPT services and indicating when the Recommended Order filed on March 20, 2006, should be
12 scheduled for consideration at an open meeting or, if either believed that the Recommended Order
13 should not be scheduled for consideration at an open meeting, explaining why and providing a
14 recommendation as to what action should be taken to resolve the matter.

15 On November 16, 2007, A.E. Gay, for GPI, filed a letter stating that Mr. Gay desires for the
16 CC&N application to remain in the name GPI, rather than ABC Gringo, Inc. In addition, Mr. Gay
17 stated that he would like to keep the application on hold until such time as he can handle it, as the
18 service is needed in Lukeville, Arizona.

19 On November 21, 2007, Staff filed an Update stating that Staff had contacted Mr. Gay on
20 November 8, 2007, "to confirm his desire to reactivate his CC&N application using the name ABC
21 Gringo, Inc. in place of Gringo Pass, Inc.," and that Mr. Gay wants ABC Gringo, Inc., to obtain the
22 CC&N for COPT services. In addition, Staff stated that the Recommended Order filed on March 20,
23 2006, should not be scheduled for consideration at an open meeting at this time. Staff recommended
24 that the applicant (apparently meaning Mr. Gay) be required to file an amended and updated
25 application with the appropriate business entity as the applicant or, in the alternative, file a new
26 application and request that the pending application be withdrawn.

27 The November 2007 filings by Staff and GPI are contradictory as to the identity of the entity
28 that Mr. Gay intends to be the applicant in this matter and also seem to be contradictory as to Mr.

1 Gay's readiness to proceed with the application in the foreseeable future. It is thus still not possible
2 for the Commission to make a determination on this matter based on the information filed.

3 IT IS THEREFORE ORDERED that a telephonic procedural conference in this matter shall
4 commence on **December 13, 2007, at 9:00 a.m.**, or as soon thereafter as is practicable. To
5 participate, each party shall call (602) 542-9009.

6 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
7 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
8 *pro hac vice*.

9 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
10 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

11 DATED this 7th day of December, 2007.


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15 SARAH N. HARPRING
ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered
17 this 7th day of December, 2007 to:

18 A.E. Gay
19 GRINGO PASS, INC.
P.O. Box 266
Lukeville, AZ 85341

20 Christopher Kempley, Chief Counsel
21 Legal Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
22 Phoenix, AZ 85007

23 Ernest G. Johnson, Director
Utilities Division
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26 By: 
27 Debra Broyles
Secretary to Sarah N. Harpring
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